

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

KAREEM NELSON,

Plaintiff,

CASE NO.: 1:18-cv-7074-BMC

v.

**AFFIRMATION IN SUPPORT  
OF REQUEST FOR ENTRY OF  
CERTIFICATE OF DEFAULT**

P.L.G. 499, LLC d/b/a PLG COFFEE HOUSE AND  
TAVERN, and RITA LEOCAL,

Defendants.

-----X

Erik M. Bashian hereby declares as follows:

1. I am a shareholder of Bashian & Papantoniou, P.C. attorneys for the Plaintiff herein, KAREEM NELSON, and as such am fully familiar with the facts and circumstances of the proceedings.
2. This action was commenced pursuant to Plaintiff's filed Complaint, arising out of Defendants' failure to meet proper compliance as set forth in the ADA Accessibility Guidelines 28 C.F.R. Part 36.
3. As established by the Affidavit of Service filed on December 26, 2018, Defendant P.L.G. 499, LLC d/b/a PLG COFFEE HOUSE AND TAVERN, was served on December 18, 2018 and the time for Defendant to answer or otherwise move with respect to the Complaint, has expired (D.E. 7).
4. As established by the Affidavit of Service filed on January 8, 2019, Defendant RITA LEOCAL, was served on December 26, 2018 and the time for Defendant to answer or otherwise move with respect to the Complaint, has expired (D.E. 8).
5. To date, Defendants P.L.G. 499, LLC d/b/a PLG COFFEE HOUSE AND TAVERN, AND RITA LEOCAL, have not answered or otherwise moved with respect to the Complaint, and the time for Defendants P.L.G. 499, LLC d/b/a PLG COFFEE HOUSE AND TAVERN, and RITA LEOCAL to answer or otherwise move have not been extended.

6. The defaulting defendants are parties adverse to Plaintiff and there is therefore no substantive procedural history beyond the filing of the Complaint and Summons.
7. The only damages sought by Plaintiff are statutory in nature as provided for within NY Exec. Law Section 297(a), attorney's fees and costs as per 42 U.S.C. Section 12205, 12117, and injunctive relief requiring remediation of ADA issues as set forth within Section 22 a-g of Plaintiff's Complaint.

**WHEREFORE**, Plaintiff, KAREEM NELSON, requests that the Clerk of Court enter a Certificate of Default in this matter as to Defendants P.L.G. 499, LLC d/b/a PLG COFFEE HOUSE AND TAVERN, and RITA LEOCAL.

Dated this 21<sup>st</sup> day of January, 2019.

Respectfully Submitted,

**Bashian & Papantonio, P.C.**

*Attorneys for Plaintiff*

500 Old Country Road, Suite 302

Garden City, NY 11530

PH: (516) 279-1554

FAX: (516) 213-0339

By: */s/ Erik M. Bashian*

---

ERIK M. BASHIAN, ESQ.

(EB7326)

[eb@bashpaplaw.com](mailto:eb@bashpaplaw.com)